

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

BOBBY PECK,)
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Petitioner))
)
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v.) **No. 3:05cv0506AS**
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ED BUSS,)
)
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Respondent)

MEMORANDUM OPINION AND ORDER

On or about August 19, 2005, *pro se* petitioner, Bobby Peck, an inmate at the Indiana State Prison (ISP), Michigan City, Indiana, filed a petition seeking relief under 28 U.S.C. §2254. The motion to dismiss filed November 22, 2005 on behalf of the respondent by the Attorney General of Indiana, demonstrates the necessary compliance with *Lewis v. Faulkner*, 689 F.2d 100 (7th Cir. 1982). The record discloses that Bobby Peck was incarcerated at the ISP in Michigan City, Indiana in this district. He apparently was the subject of a prison disciplinary proceeding there designated as ISP 05-030335. The docket sheet of this case indicates a filing on August 19, 2005 while the motion to dismiss filed by the Attorney General of Indiana indicates that such filing was on August 22, 2005. Certainly this petitioner is entitled to any benefits under *Houston v. Lack*, 487 U.S. 266 (1988). Those discrepancies and dates do not appear to be significant.

According to the papers filed by the Attorney General of Indiana, the Conduct

Adjustment Board (CAB) case was dismissed and the sanctions have been removed, rendering this case moot. *See Walker v. O'Brien*, 216 F.3d 626 (7th Cir. 2000), *cert. denied sub nom Hanks v. Finfrock*, 531 U.S. 1029 (2000).

Therefore, this petition is now **DISMISSED. IT IS SO ORDERED.**

DATED: January 3, 2006

S/ ALLEN SHARP
ALLEN SHARP, JUDGE
UNITED STATES DISTRICT COURT